

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

July 17, 2014

5:30 P.M.

MINUTES

Present: Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on July 2, 2014 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kelly; Seconded by Councilor Kasper

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending July 9, 2014 in the amount of \$ 300,744.28 and July 16, 2014 in the amount of \$283,741.17 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kretser; Seconded by Councilor O'Connell

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of July 3 – July 16, 2014
- Report from the Building Inspector's office July 15, 2014
- Finance Report of Revenue and Expenditures for the month of June 2014
- Statement from the City Clerk's Office of all monies received during the month of June 2014 in the total amount of \$15,293.19

RESOLVED: That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk's Office.

By Councilor Kretser; Seconded by Councilor O'Connell

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending July 11, 2014 in the amount of \$ 1,545,668.97 and July 18, 2014 in the amount of \$ 718,860.90 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kasper; Seconded by Councilor Dowdle

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves Shauna miller to hold the 3rd Annual Great Pumpkin Prediction Race at the Crete Civic Center on October 25, 2014.

By Councilor Kretser; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Dr. Paolo Fedi to provide a children's bounce castle on Saturday, August 2, 2014 from 10:00 am to 1:30 pm in the City Parking lot between the Farmers Market and the vacant gas station during the Plattsburgh Farmers market family celebration event.

By Councilor Kretser; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

Motion to remove item 7C from the Table.

By Councilor Kretser; Seconded by Councilor Kasper

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

C. CONSENT TO ASSIGNMENT AND CHANGE OF CONTROL

WHEREAS, Falcon First Cable of New York, Inc. ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the City of Plattsburgh, NY (the "Franchise Authority") and to operate and maintain a cable television system therein; and

WHEREAS, Charter Communications, Inc. ("Charter") is the ultimate parent company of Franchisee; and

WHEREAS, on April 25, 2014, Charter and Comcast Corporation ("Comcast") entered into the Comcast/Charter Transactions Agreement (the "Agreement"), pursuant to which the Franchisee, through a restructuring under Charter's ownership, will become PCI Transfers VI, LLC ("New Franchisee") and immediately thereafter will become a wholly-owned subsidiary of Comcast (the "Transaction"); and

WHEREAS, Franchisee has filed an FCC Form 394 with the Franchise Authority with respect thereto; and

WHEREAS, the Franchise Authority has considered and approves of the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

1. The foregoing recitals are approved and incorporated herein by reference.
2. The Franchise Authority consents to the Transaction.
3. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the pro forma assignment of the Franchisee and change of control of the New Franchisee to Comcast has been duly and validly taken.
4. Comcast or New Franchisee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Comcast; (b) restructure debt or change the ownership interests among existing equity participants in Comcast; (c) pledge or grant a security interest to any lender(s) of Comcast's assets, including, but not limited to, the Franchise, or of interest in Comcast, for purposes of securing any indebtedness; and (d) sell equity interests in Comcast or any of Comcast's affiliates.
5. Upon closing of the Transaction, New Franchisee shall remain bound by the lawful terms and conditions of the Franchise.
6. This Resolution shall be deemed effective upon adoption.

7. This Resolution shall have the force of a continuing agreement with New Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of New Franchisee and Comcast.

By Councilor Kretser; Seconded by Councilor Kasper

Discussion:

Councilor Kelly said as he understands it the reason this was in contention was because some of them wanted to take a stand about net neutrality and the fact that Comcast seems to be one of the big players that's opposed to that neutrality. I just wondered if we were going to do anything about that.

Councilor Armstrong said she thinks that should be regarded as a separate issue. The FCC is taking comments until tomorrow about that issue. I think this is a legally complicated issue that may not entirely relate. I feel like I was editorializing a bit last week when the issue came up. I don't think that any action that we take through this negatively would impact that.

Mayor Calnon said we have another 90 days that we can actually provide some comments that are relevant to that.

Councilor Kelly said is the public allowed to participate in that comment process?

Mayor Calnon said they have to schedule a public hearing I don't have the answer to that.

Corporation Counsel Dean Schneller said I think you would be the conduit for the public to make comments to you could relay those but this process is not designed for public comment directly.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves to transfer the cost of an unbudgeted restroom trailer expenditure plus freight and installation costs of \$26,000 to the Recreation Department Technical Equipment line item from the Capital Fund Transfers line item within the General Fund per the attached budget adjustment memo. This transfer will not increase the 2014 General Fund budgeted appropriations.

By Councilor Armstrong; Seconded by Councilor Kretser

Discussion:

Councilor O'Connell said he thought it was a great investment and that it can be moved around to go to different venues.

Councilor Dowdle asked about the installation costs and it's a portable unit so it's installed each

time it's moved.

Mayor Calnon said no we would have the ability with our own staff to do what is needed when moved.

Councilor O'Connell said it could save us money on other rentals.

Councilor Kelly said Steve Peters seems to be doing a wonderful job at the beach this summer and could be he'll make this \$26,000 back before the summer is over.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the Municipal Lighting Department be permitted to proceed with the write-off of unpaid final bills for the period February 1, 2013 to February 29, 2013 in the amount of \$6,821.44. The percentage of write-offs for this period is .32%.

By Councilor Kasper; Seconded by Councilor O'Connell

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves Contract #2014-17 "Painted Pavement Markings" be awarded to Accent Striping Inc. for a total contract price of \$55,140.

By Councilor Kasper; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. RESOLVED: In accordance with the request therefore the Common Council approves Kevin Farrington City Engineer to establish Traffic Zone Designation # 951 "North Margaret Street between Boynton Avenue and the City Limit shall be converted from a 4-Lane Roadway to a 3-Lane Roadway to include one travel lane in each direction plus a center turn lane plus one bicycle lane in each direction."

By Councilor Kasper; Seconded by Councilor Kelly

Discussion:

Councilor Kasper expressed her gratitude to PASS, GP, businesses and other residents there. And she thinks everyone should know that this this Council and this Mayor are open to ideas that improve the quality of life in this community and the vibrancy of this community.

Councilor O'Connell thanks to Becky for all her efforts.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

I. RESOLVED: In accordance with the request therefore the Common Council approves a bridge loan in the amount of \$700,000 for Phase 2 of the Catherine Gardens Project.

By Councilor Armstrong; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

J. RESOLVED: In accordance with the request therefore the Common Council approves establishing and appointing members of a City of Plattsburgh Oil Train Task Force.

WHEREAS, many citizens in Plattsburgh are concerned about the new push by the fossil fuel industry to transport Bakken and Tar Sands Crude via rail throughout our region; and

WHEREAS, refineries in Albany have expanded to accommodate an even greater volume of these and other dangerous products; and

WHEREAS, New York Governor Andrew Cuomo also recognizes the risk of transporting volatile crude by rail in passing Executive Order #125 directing New York State agencies to conduct a comprehensive review of crude rail transport safety procedures and emergency response preparedness and Albany County, NY issued a moratorium on crude increases at the Port of Albany pending a public health investigation; and

WHEREAS, the last few years have seen a dramatic rise in rail crude transport nationwide, and more crude oil was spilled in U.S. rail accidents in 2013 than the preceding four decades, amounting to more than 1.15 million gallons in 2013. Most tragically in July 2013, 72 tanker cars loaded with 2 million gallons of flammable crude oil derailed in Lac-Megantic, Canada, causing explosions that killed 47 people, destroyed dozens of buildings, and caused over \$1 billion in damages; and

WHEREAS, the National Transportation Safety Board and the Pipeline and Hazardous Materials Safety Administration recently acknowledged the failure to appropriately classify the contents of

crude oil shipments to reflect the hazardous and highly flammable nature of the substances being transported by rail and the devastating consequences of a crude oil rail accident including loss of life, property and environmental damage, and thus made recommendations to avoid urban areas when transporting crude, and to improve rail safety regulations for crude oil transport, including worse-case scenario emergency response plans; and

WHEREAS, increased rail crude oil traffic in the North Country corridor will lead to an increase in diesel emissions in communities along rail lines, and exposure to particulate matter from diesel engines has been linked to impaired pulmonary development in adolescents; increased cardiopulmonary mortality; measurable pulmonary inflammation; increased severity and frequency of asthma attacks, emergency room visits, and hospital admissions in children; increased rates of heart attacks and strokes in adults; increased risk of cancer; and increased asthma and lung disease in children; and

WHEREAS, crude oil, like that coming from the Bakken shale reservoir, is known to be volatile, highly flammable, and contain elevated concentrations of benzene, a potent carcinogen, and

WHEREAS, trains delivering crude oil traveling through the North Country will follow routes adjacent to Lake Champlain and various waterways, posing a serious threat to these ecosystems, and to Northern New York's agricultural irrigation and drinking water supplies; and

WHEREAS, given the record of crude-oil rail accidents in recent years, a train accident or derailment could have catastrophic effects if it occurred in any populated area; and

WHEREAS, historically, when environmental accidents do occur, oil companies spend years in litigation over damages as strategy to undercut payments to affected communities; and

WHEREAS, the cumulative impacts of crude oil train traffic through the North Country and other parts of Eastern New York, in addition to the cumulative upstream and downstream greenhouse gas impacts of these fossil fuels, should analyzed prior to the transport of any of these hazardous materials through our communities, now, therefore, be it

RESOLVED, that the Plattsburgh City Council establishes an Oil Train Task Force made up of stakeholders that represent our community's diversity in order to further research this transport of hazardous materials through our region and to recommend to the Mayor and Council actions that will safeguard and educate our citizens; and

BE IT FURTHER RESOLVED, that this Oil Train Task Force, though it will convene independently, will take no independent action, but will rather report exclusively and directly to the Mayor and Common Council.

Motion to Table:

By Councilor Kretser; Seconded by Councilor Dowdle

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)
ACTION TAKEN: Tabled
Follow up Action: None

K. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign a subordination agreement for a property located at 95 Johnson Ave owned by Julie Marking aka Julie Burnell.

By Councilor Kelly; Seconded by Councilor Dowdle

Discussion:

Councilor Kelly asked for more details. Complimentary of the City and this program.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

L. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign an Architectural/Engineering Consultant agreement with Stantec for design and ROW Services for the Saranac River Trail, Phase 2, D034636, PIN 7805.88, Contract # 2014-26

By Councilor Armstrong; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Bill Treacy, Manager MLD to attend the MEUA Annual Meeting in Canandaigua, NY from September 9-12, 2014 at an estimated cost of \$997.95.

By Councilor Kasper; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS:

Councilor Kasper said she was a close witness to Bike/car accident on Rugar and services were their immediately so her compliments to Fire and Police.

Councilor Kelly said two residents of Ward 2 were recognized by Seven Days, Vermont. Catherine Wurster of ROTA Gallery and Cindy Snow of Blue Collar Bistro.

11. CLOSING PUBLIC COMMENTS:

Diane Wordell, Edgewater Estates and representing PASS thrilled they have Traffic Designation and thank you to the Mayor and Council.

Marie Alexander, Senior Citizens Council thanks to the Mayor and Council for passing the resolution so quickly.

Anita Bodrogi, Representing the Plattsburgh Renewal project and Plattsburgh City School District Health Committee. Spoke about Ward walks starting Monday at 6am. Their goal is to walk all the streets in Plattsburgh.

Motion to Adjourn by Councilor Armstrong; Seconded by Councilor Kelly
Roll call Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

MEETING ADJOURNED: 5:53pm